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Additional Counsel Listed On Signature Page

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX,
INC., JOHN O'ROURKE, JEFFREY G.
MCGONEGAL, BARRY HONIG,
CATHERINE DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROSSMAN, ANDREW KAPLAN, MIKE
DAI, JASON LES and ERIC SO,

Defendants.

Case No. 18-cv-2293 (FLW) (ZNQ)

**STIPULATION AND
[PROPOSED] ORDER**

Lead Plaintiff Stanley Golovac (“Lead Plaintiff”) and Defendant Mark Groussman (“Stipulating Defendant” and together with Lead Plaintiff, the “Stipulating Parties”), by and through their undersigned counsel, hereby agree and jointly propose this stipulation.

WHEREAS, on February 17, 2018, Creighton Takata (“Takata”) filed a complaint against Riot Blockchain, Inc., f/k/a Bioptix, Inc.; John O’Rourke; and Jeffrey G. McGonegal in the above-captioned case, alleging violations of the Securities Exchange Act of 1934 (ECF No. 1);

WHEREAS, this case is governed by the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4, *et seq.*;

WHEREAS, Lead Plaintiff filed his Consolidated Amended Class Action Complaint for alleged violations of federal securities laws on May 8, 2019 (ECF No. 72);

WHEREAS, Lead Plaintiff filed a corrected Consolidated Amended Class Action Complaint for alleged violations of federal securities laws (the “Amended Complaint”) on May 10, 2019 (ECF No. 73);

WHEREAS, the Amended Complaint adds additional defendants not previously named in this action, including Stipulating Defendant;

WHEREAS, Lead Plaintiff attempted to effect service of the Summons and the Amended Complaint on Stipulating Defendant on May 23, 2019;

WHEREAS, Stipulating Defendant disputes the propriety of Lead Plaintiff’s attempted service of the Summons and Complaint on him;

WHEREAS, the Stipulating Parties seek to facilitate an orderly schedule for responding to the Amended Complaint and avoid consuming party and judicial resources litigating the sufficiency of Lead Plaintiff’s process and service on Stipulating Defendant;

WHEREAS, the Stipulating Parties have conferred and agreed that the deadline for Stipulating Defendant to answer, move, or otherwise respond to the Amended Complaint shall be September 30, 2019;

WHEREAS, this Stipulation does not constitute a waiver by Stipulating Defendant of any defense other than as to sufficiency of process or service of the Amended Complaint, including but not limited to the defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, improper venue, or any other defense that otherwise could be asserted through a motion pursuant to Fed. R. Civ. P. 12 or otherwise;

IT IS HEREBY STIPULATED AND AGREED, by and between the Stipulating Parties, subject to the Court's approval, that:

1. On or before September 30, 2019, Stipulating Defendant shall answer, move to dismiss, or otherwise respond to the Amended Complaint;

2. By entering into this Stipulation, Stipulating Defendant does not waive any defense other than as to sufficiency of process or service of the Amended Complaint, including but not limited to the defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, improper venue, or any other defense that otherwise could be asserted through a motion pursuant to Fed. R. Civ. P. 12 or otherwise;

Dated: September 25, 2019

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*Pro Hac Vice Applications to Be Filed
With the Court shortly

Attorneys for Defendant Mark Groussman

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~~PROPOSED~~ ORDER

Pursuant to stipulation, it is SO ORDERED.

Dated: 9/26/19



Hon. Freda J. Wolfson, U.S.D.J.